



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

March 14, 2016

Dr. Nneka T. Breaux
Regulatory Manager
Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, IN 46268

Subject: PRIA Label Amendment – new uses on pome fruit group 11-10; stone fruit group 12-12; small fruit vine climbing subgroup 13-07F, except fuzzy kiwifruit; olive; pomegranate and a croup group conversion for tree nut group 14-12
Product Name: Penoxsulam Technical
EPA Registration Number: 62719-499
Application Date: 08/22/2014
Decision Number: 497343 and 497345

Dear Dr. Breaux:

The application referred to above, submitted under the Federal Insecticide, Fungicide and Rodenticide Act, as amended is acceptable under FIFRA sec 3 (c)(5). You must submit and/or cite all data required for registration/reregistration/registration review of your product when the Agency requires all registrants of similar products to submit such data.

Dow AgroSciences LLC has requested the Agency to restrict the new use approvals for bearing and non-bearing pome fruits; bearing and non-bearing stone fruits; and bearing and non-bearing olive and pomegranate to certain states on the label for marketing purposes. These states are: Arizona, California, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin. The Agency grants the request that the new uses for bearing and non-bearing pome fruits; bearing and non-bearing stone fruits; and bearing and non-bearing olive and pomegranate be approved only for these specific states. Should Dow AgroSciences LLC decide to request that additional states be added to the label for these uses, it will be subject to the appropriate PRIA fee at that time. It will be considered a misuse if this product is used on bearing and non-bearing pome fruits; bearing and non-bearing stone fruits; and bearing and non-bearing olive and pomegranate in any other state than what is listed on this label for these uses. These restrictions only apply to bearing and non-bearing pome fruits; bearing and non-bearing stone fruits; and bearing and non-bearing olive and pomegranate, and none of the other approved labeled uses.

A stamped copy of your labeling is enclosed for your records. This labeling supersedes all previously accepted labeling. You must submit one (1) copy of the final printed labeling before you release the product for shipment with the new labeling. In accordance with 40 CFR 152.130(c), you may distribute or sell this product under the previously approved labeling for 18 months from the date of this letter. After 18 months, you may only distribute or sell this product if it bears this new revised labeling or subsequently approved labeling. "To distribute or sell" is defined under FIFRA section 2(gg) and its implementing regulation at 40 CFR 152.3.

Should you wish to add/retain a reference to the company's website on your label, then please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration process. Therefore, should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance.

Your release for shipment of the product constitutes acceptance of these conditions. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6. If you have any questions, please contact Lisa Pahel by phone at (703) 347-0459, or via email at pahel.lisa@epa.gov.

Sincerely,

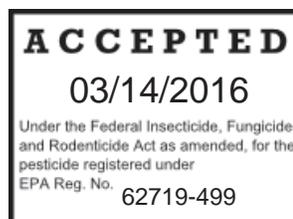


Rachel Holloman, Chief
Fungicide and Herbicide Branch
Registration Division (7505P)
Office of Pesticide Programs, OCSPP, EPA

Enclosure

Penoxsulam Technical

HERBICIDE



For Manufacturing Use Only

Active Ingredient:

penoxsulam: 2-(2,2-difluoroethoxy)-N-(5,8-dimethoxy[1,2,4] triazolo[1,5c]pyrimidin-2-yl)-6-(trifluoromethyl)benzenesulfonamide.....	98%
Other Ingredients	2%
Total	100%

CAUTION

Precautionary Statements

Hazards to Humans and Domestic Animals

Harmful If Inhaled

Avoid breathing spray mist. Remove and wash contaminated clothing before reuse.

First Aid

If inhaled: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. Call a poison control center or doctor for further treatment advice.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may contact 1-800-992-5994 for emergency medical treatment information.

Environmental Hazards

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other public waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the EPA.

Directions for Use

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

For Manufacturing Use Only: For formulation into an herbicide for use only on the following: aquatic vegetation, grapevines (amur river grape; gooseberry; maypop; schisandra berry; cultivars, varieties, and/or hybrids of these), non-cropland, olive, pomegranate, rice, turf. Pome Fruit crop group 11-10 (Apple; azarole; crabapple; loquat; mayhaw; medlar; pear; pear, Asian; quince; quince, Chinese; quince, Japanese; tejocote; cultivars, varieties, and/or hybrids of these), Stone Fruit crop group 12-12 (Apricot; apricot, Japanese; capulin; cherry, black; cherry, Nanking; cherry, sweet; cherry, tart; Jujube, Chinese; nectarine; peach; plum; plum, American; plum, beach; plum, Canada; plum, cherry; plum, Chickasaw; plum, Damson; plum, Japanese; plum, Klamath; plum, prune; plumcot; sloe; cultivars, varieties, and/or hybrids of these), Tree Nut crop group 14-12 (African nut-tree; almond; beechnut; Brazil nut; Brazilian pine; bunya; bur oak; butternut; Cajou nut; candlenut; cashew; chestnut; chinquapin; coconut; coquito nut;

dika nut; ginkgo; Guiana chestnut; hazelnut (filbert); heartnut; hickory nut; Japanese horse-chestnut; macadamia nut; mongongo nut; monkey-pot; monkey puzzle nut; Okari nut; Pachira nut; peach palm nut; pecan; pequi; Pili nut; pine nut; pistachio; Sapucaia nut; tropical almond; walnut, black; walnut, English; yellowhorn; cultivars, varieties, and/or hybrids of these).

(Storage and Disposal for rigid containers 5 gal or less)

Storage and Disposal

Do not contaminate water, food or feed by storage and disposal.

Pesticide Storage: Store in a cool dry place. Store in original container only. In case of leak or spill, contain material and dispose as waste.

Pesticide Disposal: Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

Container Handling: Nonrefillable container. Do not reuse or refill this container.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

(Storage and Disposal for nonrigid containers any size)

Storage and Disposal

Do not contaminate water, food or feed by storage and disposal.

Pesticide Storage: Store in a cool dry place. Store in original container only. In case of leak or spill, contain material and dispose as waste.

Pesticide Disposal: Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

Container Handling: Nonrefillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Then offer for recycling if available, or dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

(Storage and Disposal for refillable rigid containers greater than 5 gal)

Storage and Disposal

Do not contaminate water, food or feed by storage and disposal.

Pesticide Storage: Store in a cool dry place. Store in original container only. In case of leak or spill, contain material and dispose as waste.

Pesticide Disposal: Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

Container Handling: Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose.

Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10% full with water and, if possible, spray all sides while adding water. If practical, agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times. Then offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

(Storage and Disposal for nonrefillable rigid containers greater than 5 gal)

Storage and Disposal

Do not contaminate water, food or feed by storage and disposal.

Pesticide Storage: Store in a cool dry place. Store in original container only. In case of leak or spill, contain material and dispose as waste.

Pesticide Disposal: Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

Container Handling: Nonrefillable container. Do not reuse or refill this container.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying. Then offer for recycling if available, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.

Warranty Limitations and Disclaimer

Dow AgroSciences warrants that at the time of delivery, the product will conform to its chemical description on the label, that it will pass without objection in the trade under the contract description, that seller will convey good title thereto, and that such product will be delivered free from any lawful security interest, lien or encumbrance.

To the extent permitted by law, this is the only warranty made on this product. To the extent permitted by law, Dow AgroSciences EXPRESSLY DISCLAIMS ANY IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AND, EXCEPT AS SET FORTH IN THE ABOVE PARAGRAPH, ANY OTHER EXPRESS OR IMPLIED WARRANTIES. To the extent permitted by law, buyer acknowledges the use of its own independent skill and expertise in the selection and use of the product and does not rely on any oral or written statements or representations.

In case of emergency endangering health or the environment involving this product, call 1-800-992-5994

Manufacturing Chemical: Do not ship or store with food, feeds, drugs or clothing.

EPA Reg. No. 62719-499

EPA Est. _____

**Produced for
Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, IN 46268**

NET WEIGHT _____

EPA accepted: __/__/__